

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Carl Rajsic
	:	
For	:	METHOD AND APPARATUS FOR
	:	SECURELY ESTABLISHING L3-SVC
	:	CONNECTIONS
	:	
Serial No.:	:	10/814,330
	:	
Filed	:	April 1, 2004
	:	
Art Unit	:	2467
	:	
Examiner	:	Michael J. Moore, Jr.
	:	
Att. Docket	:	ALC 3124
	:	
Confirmation No.	:	5344

REQUEST FOR REHEARING UNDER 37 C.F.R. § 41.52

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with 37 C.F.R. § 41.52, Appellant hereby requests a rehearing of the Decision of the Board of Patent Appeals and Interferences dated August 31, 2010 ("Decision") in Appeal No. 2009-006982, affirming the Examiner in part.

In the Decision, the rejections of claims 1-3 and 5-13 were affirmed while the rejection of claim 4 was reversed. The rejection for which rehearing is requested is the rejection of claims 1, 4, 5, 7, and 9-13 under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent Number 7,130,393 to Hall, Jr. et al. (hereinafter, "Hall").

Appellant maintains that the references of record fail to disclose, *inter alia*, “configuring the terminating MSS with anticipated security information,” as recited by claim 1 and as similarly recited by claims 10-13. Appellant respectfully requests that the Board consider the following points believed to be misapprehended by the Decision.

1. The Decision misapprehends Appellant's argument that Hall does not disclose “configuring the terminating MSS with anticipated security information.”

On page 7 of the Appeal Brief filed March 28, 2008, (“Appeal Brief”), Appellant presented the following argument:

...Hall clearly does not select only “anticipated” closed user group identifiers. [Instead] all closed group identifiers for the calling party, or calling user, are retrieved.

On page 8, the Decision correctly notes that the phrase “only” does not occur in claims 1, 5, 7, and 9-13. The Decision goes on to state that “[i]nasmuch as Appellant's arguments in this regard are not commensurate with the language of the claims, this line of reasoning is not persuasive.”

Appellant respectfully submits that the Decision misinterprets Appellant's argument. Appellant does not intend to argue that claim 1 requires that only anticipated security information be selected. Indeed, the claims do not preclude other mechanisms from being used to select other security information based on other criteria.

Appellant's argument was meant to highlight the fact that Hall does not make use of, and is therefore not configured with, any anticipated security information. This is evidenced by the fact that Hall retrieves all closed group identifiers. Because Hall considers all closed group identifiers equally, no particular closed group identifier may be characterized as anticipated.

Further, the closed group identifiers cannot be characterized as anticipated because the disclosure of Hall indicates that a call may be set up even if matching closed group identifiers are not present. *See Hall, Figure 5, Reference Characters 508, 512, and 522-532.* In other words, because a call may be set up regardless of whether a matching pair of closed group identifiers is found, none of the identifiers are ever expected to be present.

Appellant respectfully submits that, for at least these reasons, Hall fails to disclose "anticipated security information," as recited by independent claims 1, 10, 11, 12, and 13.

2. The Decision misapprehends the disclosure of Hall

On page 8, the Decision further states,

We find that Hall discloses anticipated security information and embedded security information inasmuch as Hall's security information (i.e., closed user group identifiers for called parties and calling parties) performs the same function as Appellant's security information used for call setup and authorization for a Layer-3 connection in a closed user group over an ATM network[.]

Appellant respectfully submits that the decision misapprehends the disclosure of Hall, the claimed subject matter, or both. The function of the referenced portion of Hall is to determine whether a calling party and a called party belong to the same closed user group. *Hall, Column 20, Lines 18-22.* If the two parties are associated with any closed group identifiers that match, they are deemed to be members of a common closed user group and the call will be established if both parties have permission to initiate and receive calls within the group, respectively. *Id., Column 20, Lines 43-64.* If the parties do not share any closed user groups, the call will similarly be established if the parties have permission to initiate and receive calls outside of their closed user groups. *Id., Column 21, Lines 1-37.* Thus, the function of Hall is merely to determine whether a requested call occurs within a closed user group and to subsequently apply the corresponding user permissions.

The claimed subject matter, on the other hand, performs a different function. For example, by using the anticipated security information to verify the received security information, the system may ensure that a secure connection is being established. This allows for detection of possible security breaches, such as the call initiator attempting to authenticate as another entity and/or a third party manipulating the packet flow.

Therefore, Hall's closed group identifiers in fact do not perform the same function as the anticipated security information of the claims. Accordingly,

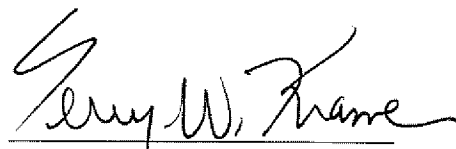
Appellant respectfully submits that Hall fails to disclose, for this additional reason, "anticipated security information," as recited by independent claims 1, 10, 11, 12, and 13.

3. Conclusion

For at least the reasons detailed above, Appellant respectfully submits that the Decision is in error and that independent claims 1 and 10-13 are allowable over the references of record. Claims 2 and 5-9 depend from allowable claim 1 and are therefore allowable based, at least, on this dependency. Accordingly, Appellant respectfully requests that the Board reconsider its decision to affirm the rejections of claims 1-13, and instead reverse the rejections as to all claims.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
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Date: October 29, 2010

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